

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 96
95TH GENERAL ASSEMBLY

Reported from the Committee on Health, Mental Health, Seniors and Families, February 25, 2009, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

Senate Committee Substitute adopted March 4, 2009.

Taken up March 4, 2009. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

0225S.02P

AN ACT

To amend chapters 167 and 210, RSMo, by adding thereto three new sections relating to educational needs and rights for foster children.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapters 167 and 210, RSMo, are amended by adding thereto
2 three new sections, to be known as sections 167.018, 167.019, and 210.1050, to
3 read as follows:

167.018. 1. Sections 167.018 and 167.019 shall be known and may
2 be cited as the "Foster Care Education Bill of Rights".

3 2. Each school district shall designate a staff person as the
4 educational liaison for foster care children. The liaison shall do all of
5 the following in an advisory capacity:

6 (1) Ensure and facilitate the proper educational placement,
7 enrollment in school, and checkout from school of foster children;

8 (2) Assist foster care pupils when transferring from one school
9 to another or from one school district to another, by ensuring proper
10 transfer of credits, records, and grades;

11 (3) Request school records, as provided in section 167.022, within
12 two business days of placement of a foster care pupil in a school; and

13 (4) Submit school records of foster care pupils within three
14 business days of receiving a request for school records, under
15 subdivision (3) of this subsection.

167.019. 1. A child placing agency, as defined under section
2 210.481, RSMo, shall promote educational stability for foster care
3 children by considering the child's school attendance area when

4 making placement decisions. The foster care pupil shall have the right
5 to remain enrolled in and attend his or her school of origin pending
6 resolution of school placement disputes.

7 2. Each school district shall accept for credit full or partial
8 course work satisfactorily completed by a pupil while attending a
9 public school, nonpublic school, or nonsectarian school in accordance
10 with district policies or regulations.

11 3. If a pupil completes the graduation requirements of his or her
12 school district of residence while under the jurisdiction of the juvenile
13 court as described in chapter 211, RSMo, the school district of
14 residence shall issue a diploma to the pupil.

15 4. School districts shall ensure that if a pupil in foster care is
16 absent from school due to a decision to change the placement of a pupil
17 made by a court or child placing agency, or due to a verified court
18 appearance or related court-ordered activity, the grades and credits of
19 the pupil shall be calculated as of the date the pupil left school, and no
20 lowering of his or her grades shall occur as a result of the absence of
21 the pupil under these circumstances.

22 5. School districts, subject to federal law, shall be authorized to
23 permit access of pupil school records to any child placing agency for
24 the purpose of fulfilling educational case management responsibilities
25 required by the juvenile officer or by law and to assist with the school
26 transfer or placement of a pupil.

27 6. Any rule or portion of a rule, as that term is defined in section
28 536.010, RSMo, that is created under the authority delegated in this
29 section shall become effective only if it complies with and is subject to
30 all of the provisions of chapter 536, RSMo, and, if applicable, section
31 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
32 and if any of the powers vested with the general assembly pursuant to
33 chapter 536, RSMo, to review, to delay the effective date, or to
34 disapprove and annul a rule are subsequently held unconstitutional,
35 then the grant of rulemaking authority and any rule proposed or
36 adopted after August 28, 2009, shall be invalid and void.

210.1050. 1. For purposes of this section, for pupils in foster care
2 or children placed for treatment in a licensed residential care facility
3 by the department of social services, "full school day" shall mean six
4 hours in which the child is under the guidance and direction of

5 teachers in the educational process.

6 2. Each pupil in foster care or child placed for treatment in a
7 licensed residential care facility by the department of social services
8 shall be entitled to a full school day of education unless the school
9 district determines that fewer hours are warranted.

10 3. The commissioner of education, or his or her designee, shall
11 be an ombudsman to assist the family support team and the school
12 district as they work together to meet the needs of children placed for
13 treatment in a licensed residential care facility by the department of
14 social services. The ombudsman shall have the final decision over
15 discrepancies regarding school day length. A full school day of
16 education shall be provided pending the ombudsman's final decision.

17 4. Nothing in this section shall be construed to infringe upon the
18 rights or due process provisions of the federal Individuals with
19 Disabilities Education Act. The provisions of the Individuals with
20 Disabilities Education Act shall apply and control in decisions
21 regarding school day. Nothing in this section shall be construed to
22 deny any child domiciled in Missouri appropriate and necessary free
23 public education services.

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